

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

Attorney Docket No. 293102002103

First Inventor Suresh K. MITTAL

Title RECOMBINANT PROTEIN PRODUCTION IN BOVINE ADENOVIRUS  
EXPRESSION VECTOR SYSTEM

Express Mail Label No. EL779890455US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL779890455US

Date of Deposit: January 14, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Mary Chen

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 202311. ☒ Fee Transmittal Form (e.g. PTO/SB/17) - 2 pages  
(Submit an original, and a duplicate for fee processing)2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.3. ☒ Specification [Total Pages 67 ]  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets 33 ]

5. Oath or Declaration [Total Pages 1 ]

- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6. ☒ Application Data Sheet. See 37 CFR 1.76 - 3 pages7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
  - i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

- 9. ☐ Assignment Papers (cover sheet & document(s))
- 10. ☐ 37 CFR 3.73(b) Statement (where there is an assignee) ☐ Power of Attorney
- 11. ☐ English Translation document (if applicable)
- 12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- 13. ☒ Preliminary Amendment - 5 pages
- 14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- 15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- 16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
  - 1. Letter to Official Draftsperson and Amendment of Drawings Under 37 C.F.R. § 1.121(a)(3) - 2 pages
  - 2. Copy of Figure 4 with changes made in red ink - 1 page
  - 3. Replacement Figures 4A-4B - 2 pages
- 17. ☒ Other

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/435,242 filed on November 5, 1999 which is a Continuation of 08/815,927 filed on March 13, 1997 which is a Continuation of 08/164,292 filed on December 9, 1993.

Prior application information

Examiner M. Mosher

Group / Art Unit 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

25226

PATENT TRADEMARK OFFICE

(Insert Customer No. or Attach bar code label here)

Name Gladys H. Monroy

Address Morrison &amp; Foerster LLP

755 Page Mill Road

City Palo Alto

State California

Zip Code 94304-1018

Country United States of America

Telephone (650) 813-5711

Fax (650) 494-0792

Name (Print/Type)

Debra J. Glister

Registration No. (Attorney/Agent)

33,888

Signature

Date January 14, 2002

pa-658124

# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	Suresh K. MITTAL et al.
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	293102002103

TOTAL AMOUNT OF PAYMENT

(\$1,970.00

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952  
Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$740.00

#### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
23	17		-20** = 3	x 18 = \$54	
			-3** = 14	x 84 = \$1,176	
				280 = \$0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$1,230.00

\*\* or number previously paid, if greater; For reissues, see above.

### FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0.00

### SUBMITTED BY

Name (Print/Type) Debra J. Glaister

Registration No. (Attorney/Agent)

33,888

Complete (if applicable)

Telephone (650) 813-5725

Signature

Date January 14, 2002

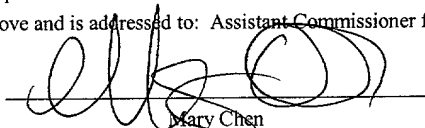
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Mary Chen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Suresh K. Mittal et al.

Serial No.: To Be Assigned

Filing Date: Herewith

For: RECOMBINANT PROTEIN  
PRODUCTION IN BOVINE  
ADENOVIRUS EXPRESSION VECTOR  
SYSTEM

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**LETTER TO OFFICIAL DRAFTSMAN AND  
AMENDMENT OF DRAWING UNDER 37 C.F.R. § 1.121(a)(3)**

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This Amendment is submitted in order to correct an inadvertent typographical error in Figure 4 of the above-referenced application. The amino acid identified as Lys at position 77 is changed to Ser. Support for this correction is found in Figure 1 as filed, wherein the amino acid Ser is shown at position 2080, and thus no new matter is added. Submitted herewith is a copy of

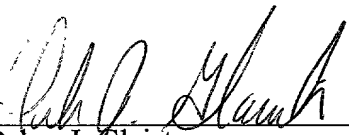
the figure as filed with the proposed changes made in red ink, and replacement Figures 4A-4B which incorporate the correction.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 293102002103. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 14, 2002

Respectfully submitted,

By:



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